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missibility of Evidence.—In a suit for divorce where certain evidence has been treated by both sides as proper, it is too late to object to its admission on appeal.

[Ed. Note.—For other cases, see Appeal and Error, Cent. Dig. § 1258.* 1 Va.-W. Va. Enc. Dig. 560.]

Law and Equity Court of City of Richmond.

Action by Forest White against Mildred Ann White for divorce. Decree for plaintiff, and defendant appeals. Affirmed.

Isaac Diggs, of Richmond, for appellant.

Stuart G. Christian, of Richmond, for appellee.

FERRIES CO. v. BROWN.

June 14, 1917.

[92 S. E. 813.]

1. Witnesses (§ 287 (1)*)—Redirect Examination.—In an action for personal injuries, where defendant had elicited from plaintiff the statement that he had been discharged from his employment for stealing, there was no error in allowing plaintiff to state on redirect examination that he had not been guilty of the theft charged.

[Ed. Note.—For other cases, see Witnesses, Cent. Dig. §§ 930, 1000.* 13 Va.-W. Va. Enc. Dig. 962.]

2. Release (§ 59*)—Action for Injuries—Instructions.—In an action for personal injuries, an instruction that, if the jury believed from the evidence that plaintiff executed a certain release, they must find for defendant, was properly refused, where it ignored evidence that it was made without consideration and procured by fraud.

[Ed. Note.—For other cases, see Release, Cent. Dig. § 115.* 7 Va.-W. Va. Enc. Dig. 724.]

3. Release (§ 12 (1)*)—Essentials—Consideration.—A release of a claim for personal injuries sustained by an employee, not under seal, requires a valuable consideration.

[Ed. Note.—For other cases, see Release, Cent. Dig. § 18.* 11 Va.-W. Va. Enc. Dig. 787, 788.]

4. Release (§ 59*)—Injuries to Servant—Instructions—Burden of Proof.—In an action for personal injuries, an instruction that, unless the jury believed that a release by plaintiff was executed without misrepresentation or fraud by defendant's agent and was for a valuable consideration, it would not bar plaintiff, was not erroneous as placing on defendant the burden of proving that the release was without misrepresentation or fraud.

[Ed. Note.—For other cases, see Release, Cent. Dig. § 115.* 11 Va.-W. Va. Enc. Dig. 795.]

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.

5. Master and Servant (§ 286 (10)*—Injuries to Servant—Question of Fact.—In a servant's action for personal injuries due to being caught by the spokes of a wheel used to lower a dock to adjust it for loading vessels, evidence that cogs were broken out of the wheel and other cogs damaged held sufficient to warrant the submission of the cause and manner of the injury to the jury.

[Ed. Note.—For other cases, see Master and Servant, Cent. Dig. § 1017.* 9 Va.-W. Va. Enc. Dig. 726.]

6. Appeal and Error (§ 999 (3)*—Review—Findings of Fact.—In a servant's action for personal injuries, where the jury has decided that a release given was procured by fraud and misrepresentation, such finding is conclusive on appeal.

[Ed. Note.—For other cases, see Appeal and Error, Cent. Dig. §§ 3923, 3924.* 1 Va.-W. Va. Enc. Dig. 621.]

Error to Circuit Court of City of Portsmouth.

Action by Albert B. Brown against the Ferries Company for personal injuries. Judgment for plaintiff, and defendant brings error. Affirmed.

R. R. Hicks, of Norfolk, for plaintiff in error.

James G. Martin and Daniel Coleman, both of Norfolk, for defendant in error.

DREWRY, HUGHES CO. v. THROCKMORTON.

June 14, 1917.

[82 S. E. 818.]

1. Corporations (§ 156*)—Dividends—Preferred Stock.—Under a provision in a corporate charter and preferred stock certificates giving the preferred stock certain dividends from the net earnings which should accumulate, if not earned in any year, such dividends cumulate while the corporation is a going concern.

[Ed. Note.—For other cases, see Corporations, Cent. Dig. §§ 581-583, 593-603.* 12 Va.-W. Va. Enc. Dig. 799 et seq.]

2. Corporations (§ 156*)—Dissolution—Distribution among Stockholders.—A provision in a corporate charter and preferred stock certificates giving preferred stock cumulative dividends, and providing that in case of dissolution such stock should have a prior claim for its face value and any arrears of dividends, gives a preferred claim for the face value of the preferred stock and cumulating dividends to date of the corporation's dissolution, although such dividends may not have been earned.

[Ed. Note.—For other cases, see Corporations, Cent. Dig. §§ 581-583, 593-603.* 12 Va.-W. Va. Enc. Dig. 799 et seq.]

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.